

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)	
)	
EAGLE PROPERTIES AND)	Bankruptcy Case
INVESTMENTS, LLC,)	No. 23-10566-KHK
)	Chapter 7
Debtor.)	
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**ORDER APPROVING SALE OF 1630 E. CHOCOLATE AVE, HERSHEY, PA
FREE AND CLEAR OF LIENS, CLAIMS AND INTERESTS
PURSUANT TO 11 U.S.C. § 363(f)**

UPON CONSIDERATION of the motion (Docket No. 416) (“Motion”) of H. Jason Gold, chapter 7 trustee (“Trustee”), to approve the sale of the property commonly known as 1630 E. Chocolate Ave, Hershey, PA (“Property”); and it appearing that proper and adequate notice of the Motion has been given and that no further notice is necessary; and it appearing that the sale of the Property as set forth in the Motion is in the best interest of the estate and its creditors, and it further appearing that based upon the endorsements of counsel set forth below that Fulton Bank, N.A. and Bala Jain, LLC have consented to the sale of the Property as set forth herein, free and clear of all liens, claims and interests, accordingly:

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Trustee is authorized to sell the Property¹ to Bikram Phuyel and Thakur

¹ Having the following legal description:

ALL THAT CERTAIN messuage, tenement and tract of ground, thereon erected a two and one-half story frame

Neopanegy (the “Purchaser”) for \$265,000.00 consistent with the sales contract attached to the Motion as Exhibit A.

3. The Trustee is authorized to pay the secured claim of Fulton Bank, N.A. in full at closing, including the payment of attorney’s fees in the amount of \$25,000 as set forth in the draft ALTA attached hereto as Exhibit A (“ALTA”), and the consent of Fulton Bank, N.A. to the sale is conditioned on such receipt.

4. At closing, the Trustee shall receive, for the benefit of the estate the sum of \$7,950.00 representing his commission under Section 326 of the Bankruptcy Code plus \$13,250.00 as additional consideration for the bankruptcy estate free and clear of all liens, claims and interests.

5. The Trustee is authorized to pay a three percent (3%) commission to his broker Century 21 New Millennium at closing for services rendered in representing the Trustee in connection with the sale.

6. The Trustee is authorized to pay a two-and-a-half percent (2.5%) commission to Protus Realty at closing for services rendered in representing the Purchaser in connection with the sale.

7. The Trustee is authorized to pay all outstanding real estate taxes and other customary closing costs consistent with the ALTA.

8. The Trustee is authorized to reimburse Auction Markets, LLC at closing in an amount

dwelling house, situate in Derry Township, Dauphin County, Commonwealth of Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the middle of U.S. Route #422; thence by an alley 10 feet wide clear on the east side 183 feet to a corner; thence on the south by land now or late of Raymond Miller et. al, in a westerly direction from the alley, 45 feet, more or less, to a point; thence by land now or late of Raymond Miller et. al, on the west, 180 feet to the middle of the aforesaid public road; thence along the middle of said public road eastwardly 45 feet more or less to a point, the place of BEGINNING.

BEING FURTHER identified as Tax Parcel #24-007-112.

not to exceed \$1,000.00 for any utility and property preservation expenses as needed.

9. All remaining net proceeds of sale shall be held by the Trustee pending resolution of the claims of Bala Jain, LLC and further order of this Court.

10. The Trustee is authorized to request and receive all information concerning the liens and debt held by any secured creditor necessary to close on the sale including but not limited to the loan payoff balance, proof of lien perfection, hazard insurance coverage, escrow account balance and other information. Secured creditors are authorized and directed to promptly provide said information to the Trustee upon request of the Trustee, subject to the right of any secured creditor to oppose the request.

11. This Order may be recorded in the land records wherein the subject Property is located.

12. This Court retains jurisdiction with respect to any disputes regarding the Property following the sale.

13. This Order shall be effective immediately and shall not be subject to the stay provided in Federal Rule of Bankruptcy Procedure 6004(h) or any other applicable stay.

Dated: May 22 2024

/s/ Klinette H Kindred
United States Bankruptcy Judge

PREPARED BY:

Entered On Docket: May 23 2024

NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001
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Email: dylan.trache@nelsonmullins.com

By: /s/ Dylan G. Trache
Dylan G. Trache, Va. Bar No. 45939

Counsel to the Chapter 7 Trustee

SEEN AND AGREED:


GORDON FEINBLATT LLC
1001 Fleet Street, Suite 700
Baltimore, Maryland 21202
Phone/Fax No. (410) 576-4194
E-mail: dmusgrave@gfrlaw.com

BY: /s/David S. Musgrave (by DGT with authority)
David S. Musgrave (Bar No. 35327)

Attorneys for Fulton Bank, N.A.

SEEN:

ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176
Phone No. (703) 777-8850
Fax No: (703) 777-8854
E-mail: crogan@RMZLawFirm.com

 05/20/2024
BY: /s/Christopher L. Rogan (by DGT with authority)
Christopher L. Rogan (Bar No. 30344)

Attorneys for Bala Jain, LLC

CERTIFICATION PURSUANT TO LOCAL RULE 9022-1(C)

I HEREBY CERTIFY that this Order has been endorsed by all necessary parties.

/s/ Dylan G. Trache
Dylan G. Trache

LIST OF PARTIES TO RECEIVE NOTICE OF ENTRY
PURSUANT TO LOCAL RULE 9022-1

Dylan G. Trache
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001

Michael Freeman
OFFICE OF THE UNITED STATES TRUSTEE
1725 Duke Street, Suite 650
Alexandria, Virginia 22314

Stephen Karbelk
Team Leader, RealMarkets
Century 21 New Millennium
Century 21 Commercial New Millennium
6629 Old Dominion Drive
McLean, VA 22101

David S. Musgrave
GORDON FEINBLATT LLC
1001 Fleet Street, Suite 700
Baltimore, MD 21202

Christopher Rogan
ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176

Exhibit A

RL Title and Escrow, Inc.
1176111
8229 Boone Boulevard
Suite 610
Vienna, VA 22182
(703) 942-6464

ALTA Combined Settlement Statement

File #:	2024-041802	Property	1630 East Chocolate Avenue	Settlement Date	05/29/2024
Prepared:	05/16/2024		Hershey, PA 17033	Disbursement Date	05/29/2024
Escrow Officer:	Amir Raminpour	Buyer	Bikram Phuyel and Thakur Neopaney		
		Seller	H. Jason Gold, Bankruptcy Trustee of The Bankruptcy Estate of Eagle Properties and Investments, LLC PO Box 57359 Washington, DC 20037		
		Lender	Movement Mortgage, LLC 8024 Calvin Hall Road Indian Land, SC 29707		

Seller			Buyer	
Debit	Credit		Debit	Credit
		Financial		
	\$265,000.00	Sales Price of Property	\$265,000.00	
		Deposit		\$10,000.00
		Loan Amount		\$212,000.00
\$1,000.00		Seller Credit		\$1,000.00
		Prorations/Adjustments		
	\$130.15	Assessments 05/29/2024 to 06/30/2024	\$130.15	
	\$414.34	City/Town Taxes 05/29/2024 to 12/31/2024	\$414.34	
		Loan Charges		
		Attorney Title Examination Fee to RL Title and Escrow, Inc.	\$150.00	
\$100.00		Bringdown Title Search to Universal Settlement Services of PA		
\$60.00		Courier/Wire Fees to RL Title and Escrow, Inc.		
		CPL Fee to Fidelity National Title Insurance Company	\$125.00	
\$150.00		Deed Preparation Fee to Universal Settlement Services of PA		
\$150.00		Settlement and Closing Fee to RL Title and Escrow, Inc.	\$895.00	
		TIRBOP Endorsement 100 to Universal Settlement Services of PA	\$100.00	
		TIRBOP Endorsement 300 to Universal Settlement Services of PA	\$100.00	
		TIRBOP Endorsement 900 to Universal Settlement Services of PA	\$100.00	
		Prepaid Interest (\$41.22 per day from 05/29/2024 to 06/01/2024)	\$123.66	
		Payoff(s)		
\$141,172.08		Payoff to Fulton Bank		
		Government Recording and Transfer Charges		
		Recording Fees	\$281.50	
		---Deed: \$132.75		
		---Mortgage: \$148.75		
\$1,325.00		Local Transfer Tax (Deed) to Dauphin County Recorder of Deeds	\$1,325.00	
\$1,325.00		State Retail Transfer Tax (Deed) to Dauphin County Recorder of Deeds	\$1,325.00	
		Commission		

Seller			Buyer	
Debit	Credit		Debit	Credit
\$7,950.00		Listing Agent Commission to CENTURY 21 New Millennium		
\$6,625.00		Selling Agent Commission to Protus Realty Inc.		
		Title Charges & Escrow / Settlement Charges		
		Title Binder and Policy to RL Title and Escrow, Inc.	\$225.00	
		Title - Owner's Title Policy to Fidelity National Title Insurance Company	\$2,162.05	
		Miscellaneous		
\$716.41		2024/County twp taxes/good thru 5/31/24 to Dauphin County Treasurer		
\$3,596.97		21 & 22 Delinquent Real Estate Taxes to Dauphin County Treasurer		
\$7,950.00		326(a) Bankruptcy Estate Payment to H. Jason Gold, Bankruptcy Trustee		
\$13,250.00		Bankruptcy Estate Payment to H. Jason Gold, Bankruptcy Trustee		
\$25,000.00		Legal Fees to Gordon Feinblatt LLC		
\$37.50		Tax Cert Fee to Universal Settlement Services of PA		
Seller			Buyer	
Debit	Credit		Debit	Credit
\$210,407.96	\$265,544.49	Subtotals	\$272,456.70	\$223,000.00
		Due from Buyer		\$49,456.70
\$55,136.53		Due to Seller		
\$265,544.49	\$265,544.49	Totals	\$272,456.70	\$272,456.70

See signature addendum

Acknowledgement

We/I have carefully reviewed the Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the Settlement Statement.
We/I authorize RL Title and Escrow, Inc. to cause the funds to be disbursed in accordance with this statement.

Bikram Phuyel Date

Thakur Neopaney Date

The Bankruptcy Estate of Eagle Properties and Investments, LLC

By: _____ Date
H. Jason Gold, Bankruptcy Trustee

Settlement Agent Date